

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

FILED

OCT 03 2013

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

AURELIA FERNANDES,
Plaintiff,

vs.

WAYNE HAYES et al.,
Defendants.

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CIVIL ACTION NO. W-11-CA-137

JURY DEMAND

ORDER OF CIVIL CONTEMPT

On this day, the Court held a hearing requiring Defendants WAYNE HAYES and BETTY HAYES A/K/A BETTY BASKERVILLE A/K/A BETTY CUNNINGHAM (“Defendants”) to show cause why they should not be adjudged in civil contempt for disobeying the Court’s April 5, 2013 Order directing Defendants to respond to Plaintiff’s post-judgment discovery. Defendants personally attended the hearing. Plaintiff appeared for the hearing through her attorneys. After due consideration, the Court is of the opinion that Defendants are in contempt of court. Defendants must purge themselves of contempt as ordered below, or they will be sanctioned as detailed in this Order and referred for criminal contempt proceedings.

IT IS THEREFORE ORDERED that Defendants WAYNE HAYES and BETTY HAYES A/K/A BETTY BASKERVILLE A/K/A BETTY CUNNINGHAM are each in contempt of court.

IT IS FURTHER ORDERED that today, October 3, 2013, immediately after this Order is signed, and before leaving the courthouse, Defendants WAYNE HAYES and BETTY HAYES A/K/A BETTY BASKERVILLE A/K/A BETTY CUNNINGHAM shall meet with Plaintiff’s attorneys in the federal courthouse and shall each provide Plaintiff’s attorneys with partial

written responses to Judgment Creditor's Interrogatories in Aid of Enforcement of Judgment, to the extent that the information is available to Defendants at the courthouse.

IT IS FURTHER ORDERED that Defendants WAYNE HAYES and BETTY HAYES A/K/A BETTY BASKERVILLE A/K/A BETTY CUNNINGHAM shall each supplement answers and provide *complete* written responses to Judgment Creditor's Interrogatories in Aid of Enforcement of Judgment *and* provide complete responses to Judgment Creditor's Requests for Production in Aid of Enforcement of Judgment no later than Thursday, October 10, 2013. Defendants shall each mail these responses to Plaintiff's attorney (Sarah Donaldson, Texas RioGrande Legal Aid, 1111 North Main Avenue, San Antonio, Texas 78212) by certified mail, return receipt requested, and the same shall be postmarked by Thursday, October 10, 2013. Defendants shall certify in writing to the Court on or before Friday, October 11, 2013 that such responses have been mailed.

IT IS FURTHER ORDERED that Defendants shall pay Plaintiff's costs and attorney's fees incurred in obtaining this Order, which Plaintiff shall submit to the Court within thirty days of this Order.

IT IS FURTHER ORDERED that the Court will impose a fine of \$100.00 per day on each Defendant, payable to Plaintiff, beginning October 17, 2013 and continuing until such time as Plaintiff's attorney receives such Defendant's complete supplemental written responses to Judgment Creditor's Interrogatories in Aid of Enforcement of Judgment and complete responses to Judgment Creditor's Requests for Production in Aid of Enforcement of Judgment.

IT IS FURTHER ORDERED that if either Defendant WAYNE HAYES or Defendant BETTY HAYES A/K/A BETTY BASKERVILLE A/K/A BETTY CUNNINGHAM fails to purge himself or herself of contempt as herein ordered because he or she (1) fails to provide

Plaintiff's counsel with initial interrogatory responses on the day this Order is signed as required by this order, (2) fails to mail complete discovery responses to Plaintiff's attorney by October 10, 2013 as required by this Order, or (3) fails to certify such service to the Court by October 11, 2013, as required by this Order, this Court will immediately issue an Order for the arrest and incarceration of that Defendant, until such time as he or she purges himself or herself of contempt as herein ordered. This Court will also will immediately order that such Defendant be referred for criminal contempt proceedings.

It is also hereby acknowledged that Judgment Creditor's Requests for Admission in Aid of Enforcement of Judgment have been deemed admitted by Defendant WAYNE HAYES by operation of Federal Rule of Civil Procedure 36(a)(3), and that Judgment Creditor's Requests for Admission in Aid of Enforcement of Judgment have been deemed admitted by Defendant BETTY HAYES A/K/A BETTY BASKERVILLE A/K/A BETTY CUNNINGHAM by operation of Federal Rule of Civil Procedure 36(a)(3).

SIGNED this 3^d day of October, 2013.


UNITED STATES DISTRICT JUDGE